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DESERTION OF WIVES AND CHILDREN

man's record. It would not be practicable to bring all persons arrested on one offense to the same court, as is done at present in prostitution cases.

"Of several methods considered for installing finger-printing, the following seems to be the most simple and practicable. In Manhattan and the Bronx there are eight day courts and two night courts, where persons are tried for the offenses in question. Two night courts, being in the same building with two day courts, will use the same finger-print rooms and files. When a person is convicted in any one of these courts his finger-print impressions will be taken, his record looked up and shown to the magistrate immediately, as is done at present in prostitution cases; sentence can then follow, according to the merits of the case. If the person is a new offender the finger-print impressions will be sent to a central bureau to be photographed, and after giving them the proper number the central bureau will forward to each court a copy of the photographed impressions to be placed on file. If the same person is again convicted in any one of these courts a record of his previous conviction or convictions, together with the dispositions which followed, will be immediately available. The reproduction of the impressions by photograph for the several courts will be necessary only once, because on later convictions each court will already have on file this person's finger-print impressions, which can be referred to by number.

"In case of the repeater, therefore, the Central Bureau will not make and distribute photographic impressions, but will instruct each court to add to the person's record (readily referred to by number previously given it at the Central Bureau) the fact of a new conviction. Or if it is found simpler his record will be corrected to include the new conviction at the Central Bureau, and a copy sent to each court to replace the previous record.

"It should be remembered that the above are intended as *court* records, and not police records."

A. W. T.

MISCELLANEOUS.

Desertion of Wives and Children by Emigrants to America.—Among the many problems brought forth as a result of immigration into the United States from foreign countries, one of the most pitiful and most worthy of the attention of social workers is the condition resulting from the desertion of their families by emigrants.

It occurs quite frequently that an emigrant, after staying for a few years in the United States, or even before this period, neglects and refuses to send any money for the support of his wife and his children, and in many cases even severs his ties with his family completely.

We can differentiate and observe three classes of cases:

1. The alien is living in adultery with another woman.
2. He starts proceedings in divorce against his wife who resides abroad, and in most cases, due to lax divorce laws, is successful in procuring it. He remarries without providing for the family left behind him abroad, in any manner whatsoever.
3. In some instances he marries without procuring his divorce and thus commits bigamy.

This state of affairs is seriously endangering the morals of society in the foreign settlements of our cities, and works, on the other hand, a great hardship on the families of unscrupulous husbands and fathers. These

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families are entirely deprived of the support and care of the head of the family.

It goes without saying that we do not hold brief against the many good and respectable emigrants who are a great asset to our American population, and prove to be good citizens, upright and moral, good fathers and husbands. We also wish to add that this evil is not confined to any race or nationality in particular, but cases occur among all emigrants. The condition of affairs as outlined above is becoming more and more serious and the resultant complications: social, legal and moral, can not be ignored much longer. The bad example shown when a man and woman are living together without the sanction of the state, contrary to law results not only in illegitimate children born to them but also in the contamination of the morals of the particular community.

The peculiar situation of husbands having two wives and two sets of children is to be reckoned with also. One a legitimate wife, residing abroad, another a "common law wife" residing in America, both probably with one or several children.

Claim agents, lawyers, probate courts and courts of common pleas and fraternal insurance societies face these problems frequently. The legal complications in awarding an insurance to the "wife" or "children," the difficulties in making distribution of compensation for wrongful death to those rightly and justly entitled to the same, the resultant misleading statements as to the family of decedent, involve the "special estate" in litigation, or in other difficulties. Foreign consuls have many of these problems to deal with. Probate courts have obstacles in distributing estates for want of correct information as to the right heirs or next of kin. It occurs sometimes that the right heirs and next of kin claim their due share after the common law wife and illegitimate children have obtained by misrepresentation the assets

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they were not entitled to. Insurance companies and fraternal insurance societies have to cope with these problems sometimes, all resulting in hardship to those who should properly be benefited.

But under the present laxness of procedure in divorce actions in most of the states the husband has a comparatively easy task in obtaining the divorce decree from his non-resident wife. There is no adequate control to guard against uncontested divorce cases. The brief period set by the statutes of most states whereby in an uncontested divorce case the hearing of the case can be held six or eight weeks after suit is started, lends an aiding hand to the husband who contemplates a new marriage and who has abandoned his wife and deserted his children who reside abroad.

And after he obtains his decree there is hardly any remedy for the wife. In the last case in Ohio on this subject (and several earlier cases decided prior thereto) the following rule is laid down:

"Where the husband by fraud and false testimony, obtains a decree of divorce for the wife's aggression and the decree also, by reason of the wife's aggression so found, bars her of alimony, dower and all other interest in the husband's property, the decree dissolving the marriage relation is conclusive; but, when the court making such decree did not have jurisdiction of the wife's person, she may thereafter have said decree and the issues opened up

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so far as they relate to her interest in the husband's property and be let in to defend."

Bay v. Bay, 85 O. S. decided by the Ohio Supreme Court, February 6, 1912.

Many states follow this doctrine on the ground of public policy.

With due credit to the instances where a just cause exists for divorce, there are many instances where a decree is procured by fraud and perjury, where the complaining party misleads the court in concealing the other party's address (although well known to the plaintiff), or sets up facts entirely false and manufactured.

If service is had by proof of publication the wife residing beyond the seas has no opportunity to defend within the limited time which might be adequate to a resident, or if so, is too late in doing so and comes to defend the action for divorce after the decree is granted and the husband has remarried. It is needless to point out the obstacles in the way of criminal prosecution, of the party guilty of fraud and perjury because the evidence is beyond reach of the prosecuting attorney's office. We desire to point out the excellent draft of the Uniform Divorce Act (prepared by a committee of the American Bar association), which would effectively check these evils.

Still worse is the situation when a husband leaving his family behind, marries another woman here under his own or an assumed name. This is very easily accomplished at present, due to the fact that the statements of the applicant under oath without any proof whatever, are accepted.

The social, moral and legal obstacles are still worse in such cases as in the case of adultery. The fear of criminal prosecution for perjury or bigamy are insufficient to prevent the commission of this act by the reckless, ignorant, "morally insane" parties.

Dealing with the conditions as they are in most of the states, the present state of affairs promotes immorality in the worst degree, brings about hardship to countless wives and deserted children who are objects of charity and victims of poverty without any fault of their own. It has a vicious effect on the community, it checks the possibility of establishing homes, it deprives the state of many families, for the husband does not find it necessary to have them come to the United States. It hinders the development of healthy family life, infects the community with the wretched examples, promotes crime (fraud, perjury, bigamy and adultery), and adds many burdens to the administration of justice.

Last, but not least, it furthers inhuman attitude on the part of the head of a family torn apart, by diminishing and annihilating the responsibility of the bread winner.

In almost all of the states of the Union the abandonment of a wife, by her husband, the desertion of minor children by their father, are made criminal offenses.

Due to the difficulties of criminal procedure and evidence in securing adequate proof of the commission of the crime and due to the constitutional questions and privileges involved, as already referred to, this prevailing evil can not be rooted out by resorting to criminal prosecution.

The problem then is this: How can we prevent or diminish the increasing proportion of immigrants who desert their children and abandon their wives

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by their emigration, although in most instances not contemplating to do so, and how can we abolish the resultant evil of adulterous practices, bigamy, fraudulently secured divorces?

As to the last question, we strongly recommend the adoption of the excellent provision of the Uniform Divorce Act referred to before and more strictness and control in issuing marriage licenses.

Eliminating the great difficulties facing us in the way of federal legislature by enacting a special act, and also the handicap in prevailing upon state legislatures to act on this matter separately, the most feasible way to solve the problem would be by amending the statute on immigration, or the White Slave Act. If Congress would attach an amendment to either of these statutes whereby a foreign subject would be deported if during his first five years of residence in the United States (or until he becomes naturalized), he having a family abroad, commits adultery or bigamy, or deserts his minor children and abandons his wife without supporting them according to their station of life and without due cause, the prevailing evil would be remedied effectively. If such acts would be regarded as immoral acts involving moral turpitude, the depositions, or duly authenticated official documents coming through official channels would be regarded as sufficient evidence establishing such acts, the relief sought for by a great many non-resident wives and children, the prevention of immorality, and the saving of morals of foreign communities would be entirely obtained thereby.

HUGO E. VARGA, of the Cleveland, Ohio, Bar.

The Bulletin from the Office of Juvenile Protection in Belgium.—*Bulletin de l'Office de la Protection de l'Enfance. Royaume de Belgique.* (Bruxelles, Lacier, Editeur.) Numbers 1 and 2 of the first volume (Oct., 1912, Jan., 1913) of this year of the Belgian official administration of the juvenile court and its auxiliaries are devoted chiefly to discussions of the principles of the new law, to texts of the law and regulations for making it effective. The meeting of the royal commission of patronage, held September 29, 1912, was the occasion for discourses by M. Carton de Wiart, minister of justice, Professor A. Prins, president of the Commission, and M. Maus, general director in the Ministry of Justice. These addresses were luminous, eloquent and competent interpretations of the fundamental principles and ideals of modern treatment of juvenile offenders; they are new, for they indicate quite clearly the abandonment of the merely retributory notions of justice and the acceptance of a rational policy of social protection, with the educational purpose dominant in methods. C. R. H.

The American Academy of Medicine.—The 38th annual meeting of this distinguished Academy was held in Minneapolis on June 13, 14, and 15. On Saturday, the 14th, a notable program was presented, setting forth the bases of crime from many angles. Following is the list of authors. Some of these papers were read by title only, but all will eventually be published in the Bulletin of the Academy and elsewhere:

1. "Crime as Viewed by an Anthropologist." Prof. Albert E. Jenks, Professor of Anthropology, Univ. of Minnesota, Minneapolis.
2. "The Relation of the Somatic to the Psychic Defects in the Subnormal." Mr. David C. Peyton, General Superintendent, Indiana Reformatory, Jeffersonville.